

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

DIPESH PATEL, INDIVIDUALLY,	)	
ALPABEN PATEL, INDIVIDUALLY,	)	
AND RUSHABH PATEL,	)	
INDIVIDUALLY,	)	Civil Action File No.:
	)	
Plaintiffs,	)	
	)	
v.	)	
	)	
EXCEL TRANS MANAGEMENT INC.,	)	
QUALITAS INSURANCE COMPANY,	)	
AND NAM SUK CHOI,	)	
	)	
Defendants.	)	

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**EXHIBIT "B"**

**TO NOTICE OF AND PETITION FOR REMOVAL**

IN THE STATE COURT OF HENRY COUNTY  
STATE OF GEORGIA

DIPESH PATEL, INDIVIDUALLY,	)	
ALPABEN PATEL, INDIVIDUALLY,	)	
AND RUSHABH PATEL,	)	
INDIVIDUALLY	)	
Plaintiffs,	)	
	)	CIVIL ACTION
v.	)	FILE NO. STSV2023000243
	)	
EXCEL TRANS MANAGEMENT INC.,	)	
QUALITAS INSURANCE COMPANY,	)	
AND NAM SUK CHOI,	)	
	)	
Defendants.	)	

**PLAINTIFFS' RESPONSE TO NAM SUK CHOI'S FIRST REQUEST FOR  
ADMISSIONS**

COMES NOW Dipesh Patel, individually, Alpaben Patel, individually, and Rushabh Patel, individually, Plaintiffs, and responds to Defendant, Nam Suk Choi's ("Choi") First Request for Admissions, as follows:

**GENERAL OBJECTION AND STATEMENT**

Plaintiff objects generally to each Request for Admissions to the extent that Defendant's instructions and definitions seek to impose upon Plaintiff any obligations beyond those set forth under the Georgia Civil Practice Act. Plaintiff further objects to the extent these Requests call for attorney work product or other privileged communications. As investigation and discovery are ongoing, Plaintiff also reserves the right to supplement these responses, which they now answer subject to and without waiving the foregoing objections.

**Responses to:**

**Requests for Admissions**

1.

Admit that the amount of controversy is less than \$75,000.00.

**RESPONSE:** Admit as to Alpaben Patel and Rushabh Patel. Denied as to Dipesh Patel.

2.

Admit that you will not ask a jury for more than \$75,000.

**RESPONSE:** Admit as to Alpaben Patel and Rushabh Patel. Denied as to Dipesh Patel.

3.

Admit that you were aware of your potential surgery at the time you filed your lawsuit but did not plead in your complaint.

**RESPONSE:** Admit as to Dipesh Patel. Denied as to Alpaben Patel and Rushabh Patel. Defendant Qualitas was aware of the potential surgery as well in September 2022. Plaintiffs did plead severe injury.

4.

Admit that your complaint did not specifically plead the amount in controversy.

**RESPONSE:** Admit. It is not required under the Georgia Civil Practice Act. Plaintiffs did plead severe personal injuries.

5.

Admit that at no point prior to filing the complaint did you provide defendants with your medical bills or medical records.

**RESPONSE:** Admit. However, Defendant Qualitas through its adjuster, Nick Gomez, was aware that Dipesh Patel had been recommended for surgery.

6.

Admit that at no point prior to filing the complaint did you make a settlement demand.

**RESPONSE:** Admit. However, Defendant Qualitas through its adjuster, Nick Gomez, was aware that Dipesh Patel had been recommended for surgery.

7.

Admit that at no point prior to filing the complaint did you relay to defendants the amount in controversy.

**RESPONSE:** Admit. However, Defendant Qualitas through its adjuster, Nick Gomez, was aware that Dipesh Patel had been recommended for surgery.

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Admit that at no point prior to filing the complaint did you relay to defendants that the amount in controversy would exceed \$75,000.

**RESPONSE:** Admit. However, Defendant Qualitas through its adjuster, Nick Gomez, was aware that Dipesh Patel had been recommended for surgery. At no time did Plaintiffs inform Defendants that it was less than \$75,000 either.

9.

Admit that you made no complaint of injury at the scene of the alleged accident.

**RESPONSE** Denied as stated.

10.

Admit that you did not leave the scene of the accident in an ambulance.

**RESPONSE:** Admit.

11.

Admit that you had no visible bleeding at the scene of the accident.

**RESPONSE:** Admit.

This 26<sup>th</sup> day of April 2023

**FRIED GOLDBERG LLC**



By: \_\_\_\_\_  
Brad W. Thomas  
Georgia Bar No. 704680

3550 Lenox Road NE Suite 1500  
Atlanta, Georgia 30326  
Telephone: (404) 591-1800  
Facsimile: (404) 591-1801  
[brad@friedgoldberg.com](mailto:brad@friedgoldberg.com)

**CERTIFICATE OF SERVICE**

I hereby certify that I have this day served a copy of the within and foregoing ***Plaintiffs'***  
***Response to Defendant Nam Suk Choi's First Request for Admissions*** upon all parties to this  
matter by electronic mail:

Michael J. Rust, Esq.  
J. Skye Wellesley, Esq.  
Benjamin Hillis, Esq.  
**Gray, Rust, St. Amand, Moffett & Brieske, L.L.P.**  
1700 Salesforce Tower  
950 East Paces Ferry Road  
Atlanta, GA 30326  
Counsel for Defendants

This 26<sup>th</sup> day of April 2023

**FRIED GOLDBERG LLC**



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Brad W. Thomas  
Georgia Bar No. 704680

3550 Lenox Road NE Suite 1500  
Atlanta, Georgia 30326  
Telephone: (404) 591-1800  
Facsimile: (404) 591-1801  
[brad@friedgoldberg.com](mailto:brad@friedgoldberg.com)